

CLIFTON BUDD & DeMARIA, LLP
ATTORNEYS AT LAW

THE EMPIRE STATE BUILDING
350 FIFTH AVENUE, 61ST FLOOR
NEW YORK, NY 10118

TEL 212.687.7410
FAX 212.687.3285
WWW.CBDM.COM

July 19, 2022

VIA ECF

Honorable Lee G. Dunst
United States Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 830
Central Islip, NY 11722

Re: *Elijah Schimkewitsch v. New York Institute of Technology*,
19-CV-05199 (GRB)(LGD)

Dear Judge Dunst:

This firm represents Defendant New York Institute of Technology (“NYIT”) in the above-referenced action. Pursuant to Judge Shields’ April 25, 2022 Order, I write on behalf of all parties to provide a joint status report on the parties’ progress in discovery, as well as to respectfully request an extension of the fact discovery deadline in this action through September 30, 2022.

Counsel for the parties have been working cooperatively to complete discovery. At this time, while initial document discovery appears to be nearly complete, depositions remain outstanding. The parties have needed to reschedule depositions several times over the last few weeks for health reasons. The parties have further been limited by the availability of Plaintiff’s counsel and one of Defendant’s witnesses, both of whom will be away for several weeks at different times during the upcoming months. I have also recently taken over discovery temporarily from my colleague, Stefanie Toren, who began maternity leave on July 5, 2022.

Should Your Honor grant the parties’ joint request for an extension of the fact discovery deadline, counsel have scheduled Plaintiff’s deposition for Monday, July 25, 2022, and the deposition of a Defendant witness for Monday, August 29, 2022. We are in the process of trying to confirm a deposition of a third witness, a former employee of NYIT.

This is the second request for an extension of the deadlines in discovery in this matter. Judge Shields granted a prior joint request for a sixty-day extension of all deadlines in discovery on April 25, 2022. There are no currently scheduled Court appearances that would be affected by this request.

Should Your Honor grant the parties' request, counsel for the parties propose the following amended discovery schedule:

- September 30, 2022 – Deadline to complete fact discovery;
- October 31, 2022 – Deadline to exchange expert reports;
- November 30, 2022 – Deadline to complete expert depositions; and
- December 19, 2022 – Deadline to take first step in dispositive motion practice.

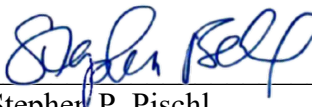
Should the parties determine that the Court's assistance with a settlement conference would be helpful, we shall direct such a request to this Court via letter motion.

Thank you for Your Honor's consideration of the parties' request.

Respectfully Submitted,

CLIFTON BUDD & DEMARIA, LLP
Attorneys for Defendant

By:



Stephen P. Pischl

cc: Howard E. Gilbert, Esq.
Jason A. Gilbert, Esq.